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9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 FRANCISCO RODRIGUEZ, on behalf of
13 himself and all others similarly situated,

14 Plaintiff,

15 v.

16 TWITTER, INC. and PRO UNLIMITED,
17 INC.,

18 Defendants.
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CASE NO. 3:22-cv-7222-JD

Assigned to The Honorable James Donato

**JOINT STIPULATION REGARDING
AMENDMENT AND CONSOLIDATED
BRIEFING ON DEFENDANTS' MOTIONS TO
COMPEL ARBITRATION**

1 **WHEREAS**, Plaintiff Francisco Rodriguez (“Plaintiff”) filed his Complaint on November 16,
2 2022;

3 **WHEREAS**, Defendants Pro Unlimited, Inc. and Defendant Twitter, Inc. respectively filed
4 Motions to Compel Arbitration on January 11, 2023 [Dkts. 26, 27.];

5 **WHEREAS**, Plaintiff filed an Opposition to Defendants’ Motions to Compel Arbitration on
6 February 8, 2023 [Dkt. 35];

7 **WHEREAS**, Plaintiff also filed a Motion for Leave to file a First Amended Complaint on
8 February 8, 2023 [Dkt. 37.]

9 **WHEREAS**, Plaintiff’s proposed First Amended Complaint does not modify his allegations with
10 respect to his current claims for (i) violation of the federal WARN Act; (ii) violation of the California
11 WARN Act; and (iii) failure to pay all wages at termination, but does seek to add a fourth claim for alleged
12 violations of the California Private Attorneys General Act (“PAGA”);

13 **WHEREAS**, a hearing on each Defendants’ Motion to Compel Arbitration and Plaintiff’s Motion
14 for Leave to file a First Amended Complaint is currently set for March 14, 2023;

15 **WHEREAS**, the parties recognize the efficiency in the Court resolving the arbitrability of all
16 claims—including Plaintiff’s contemplated PAGA claim—at the same time and Defendants are willing
17 to stipulate to Plaintiff’s filing of the proposed First Amended Complaint for the purpose of efficient
18 resolution of these issues;

19 **WHEREAS**, the parties agree that this stipulation is not contrary to Defendants’ position that
20 Plaintiff’s individual claims, including any forthcoming PAGA claim, must be arbitrated on an individual
21 basis, and that any class or representative claims should be dismissed, nor does this stipulation act as a
22 waiver of arbitration in any way;

23 **NOW, THEREFORE, THE FOLLOWING IS HEREBY STIPULATED** by and between the
24 parties and their respective counsel, subject to the Court’s approval:

- 25 • Plaintiff shall file his First Amended Complaint adding a fourth claim for alleged violations of
26 the PAGA by February 21, 2023. Plaintiff’s First Amended Complaint shall not modify or
27 seek to add any claims or allegations beyond PAGA as referenced in Plaintiff’s Motion for
28 Leave to file a First Amended Complaint. [Dkt. 37.]

- The hearing on Plaintiff's pending Motion for Leave to file a First Amended Complaint shall be vacated as moot.
- Each Defendant's Motion to Compel Arbitration with respect to Plaintiff's claims for (i) violation of the federal WARN Act; (ii) violation of the California WARN Act; and (iii) Failure to pay all wages at termination [dks. 26, 27] shall remain in place.
- Plaintiff's Opposition to Defendants' Motion to Compel Arbitration with respect to Plaintiff's claims for (i) violation of the federal WARN Act; (ii) violation of the California WARN Act; and (iii) failure to pay all wages at termination [dks. 26, 27] shall also remain in place.
- Defendants will each file a Motion to Compel Arbitration of Plaintiff's PAGA claim by March 7, 2023 ("PAGA Motion to Compel"). The PAGA Motions to Compel will be limited to the arbitrability of Plaintiff's PAGA claim and whether the representative PAGA claim can proceed.
- Plaintiff will file an Opposition to the PAGA Motion to Compel by March 21, 2023. This Opposition will be limited to the arbitrability of Plaintiff's PAGA claim and whether the representative PAGA claim can proceed.
- Defendants will each file a Reply brief by March 28, 2023. This Reply brief will address arguments in Plaintiff's previously filed opposition to Defendants' Motions to Compel Arbitration [dkt. 35] as well as Plaintiff's forthcoming Opposition to the PAGA Motion to Compel.
- The March 14, 2023 hearing on Defendants' Motions to Compel Arbitration [dks 26, 27] shall be continued to April 6, 2023.
- Defendants will also set the hearing on the PAGA Motions to Compel for April 6, 2023 so that the Court can efficiently address all of these issues at the same time.

Dated: February 16, 2023

LICHTEN & LISS-RIORDAN, P.C.

By: /s/ Shannon Liss-Riordan

Shannon Liss-Riordan

Attorneys for Plaintiff

FRANCISCO RODRIGUEZ

SIGNATURES CONTINUED ON NEXT PAGE

1
2
3 Dated: February 16, 2023

MORGAN, LEWIS & BOCKIUS LLP

4
5 By: /s/ Eric Meckley
6 Eric Meckley
7 Attorneys for Defendant
TWITTER, INC.

8 Dated: February 16, 2023

GREENBERG TRAURIG, LLP

9
10 By: /s/ Ashley Farrell Pickett
11 Ashley Farrell Pickett
12 Attorneys for Defendant
13 PRO UNLIMITED, INC.
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FILER ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer attests that the concurrence in the filing of this document has been obtained from the stipulating parties.

Dated: February 16, 2023

GREENBERG TRAURIG, LLP

By: /s/ Ashley Farrell Pickett
Ashley Farrell Pickett
Attorneys for Defendant
PRO UNLIMITED, INC.